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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/608,173
Filing Date: June 27, 2003
Appellant(s): CHIPCHASE ET AL.

MAILED

SEP 25 2007

Technology Center 2600

Chipchase et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/09/2007 appealing from the Office action mailed 02/21/2007.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

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(7) Grouping of Claims

Appellant's brief includes a statement that claims 2-5, 13 and 15-19; and 6, 7, and 18 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,255,800	Bork	07-2001
20060022796	Strierner	02-2006
20050046567	Mortenson et al.	03-2005

NON PATENT LITERATURE DOCUMENTS

Definition of shelf in the Web (Google): a support that consists of a horizontal surface for holding objects, page 1, 2007

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-7,9,10, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bork (*US Patent #6,255,800*).

Regarding claim 1, Bork teaches a repository (*Figures 15, 16 and 17, element 46*), for a plurality of objects comprising:

a body (fig. 16, item 46) for supporting simultaneously a plurality of objects including a mobile phone (fig. 16, item 54) and at least one other object (*Figure 15, mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46. In addition to that, in fig. 16, a body 46 for supporting simultaneously a plurality of objects including a mobile phone 54 and wirelessly supporting at least one other object can be element 50*);

wireless communication means (*Figure 15, element 46 is a cradle which is connected to antenna 42 for wireless communication and Figure 16, item 46 is a cradle with Bluetooth radio*) for communicating with at least one of the plurality of objects (*Figure 15, mobile phone 52*) to transfer data therefrom (*Col 6, line 6-13: Bork teaches FIG. 16 illustrates the system of FIG. 13 further including a mobile device with a Bluetooth radio 54. In this particular embodiment, mobile device 54 is a cellular telephone that includes a transceiver and antenna to communicate with cellular telephone base stations and includes a transceiver and antenna to communicate with low power short distance wireless devices*); and

a user interface (*Figures 16 and 17, between element 54 to element 45 which should be between element 54 and 10 where a user interface such as keypad of PC 10 for entering data or information*) responsive to the wireless communication means (*Figures 16 and 17, cradle 46*) for providing information to a user (*Figure 16, element 54*) received in the transferred data (*Figure 16, a user interface same as keypads in PC 10 wherein PC 10 is connected to cradle 46 through wire line 12 for providing information to a user same as mobile device 54 which has two antennas, one for communicating with the base station and another for short range wireless Bluetooth communication with PC 10 through cradle 46 wherein cradle 46 has an antenna 42 with Bluetooth radio; Also see Col 3, lines 9-25; Col 5, line 35-col 6, line 13*).

Regarding claim 2, Bork teaches a repository (*Figures 15, 16, and 17, element 46*), wherein the wireless communication means (*Figure 15, element 44 and figures 16, and 17, element 46*) is arranged to detect (sense) proximal objects (*Figure 15, mobile phone 52 and Figures 16 and 17, mobile phone 54*) by communication therewith (*Figures 16 and 17, Since the cradle 46 has a Bluetooth radio on it, any object (Figure 16, mobile device 54) with a Bluetooth radio will detect each other if they are in close range, i.e. less than 100 m; Also see Col 5, line 35- Col 6, line 13*).

Regarding claim 3, Bork teaches a repository (*Figures 16 and 17, element 46*), wherein the wireless communication means comprises a LPRF transceiver (*Figure 17, item 44; Col 5, line 35- Col 6, line 13*).

Regarding claim 5, Bork teaches a repository (*Figures 15, 16 and 17, element 46*), wherein the wireless communication means transfers data from an object (*Figures*

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16 and 17, Computer 10 is connected to cradle 46 through wire line 12 which transmits data through antenna 42; Col 5, line 35- Col 6, line 13).

Regarding claim 6, Bork teaches a repository (*Figures 15,16, and 17, element 46*), wherein the wireless communication means comprises a LPRF transceiver (*Figure 17, item 44; Col 5, line 35- Col 6, line 13*).

Regarding claim 7, Bork teaches a repository (*Figures 15, 16, and 17, element 46*), wherein the wireless communication means comprises a LPRF transceiver (*Figures 15, 16, and 17, element 44*) for detecting proximal objects (*Figure 15, element 52*) by communication therewith and for transferring data from a proximal object (*Figures 16 and 17: Since both, cradle 46 and mobile device 54 have Bluetooth radio, they will detect proximal objects by communication therewith and for transferring data from a proximal object; Also see Col 5, line 35- Col 6, line 13*).

Regarding claim 9, Bork teaches a repository in the form of a shelf (*Figure 15, repository 46 is a form of shelf which can attached to the wall or Figure 17, repository 46 is a form of shelf where mobile device 54 and antenna 42 can be supported on the top*).

Regarding claim 10, Bork teaches a repository having a substantially planer support surface (*Figure 15, element 46 having a planner support surface for supporting mobile device 54 and antenna 42*).

Regarding claim 16, Bork teaches a repository (*Figures 15,16 and 17, element 46*), comprising:

a body (fig. 16, item 46) having a support surface for supporting simultaneously a plurality of objects including a mobile telephone (fig. 16, item 54) and at least one other object, (*Figure 15, mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46. In addition to that, in fig. 16, a body 46 for supporting simultaneously a plurality of objects including a mobile phone 54 and wirelessly supporting at least one other object can be element 50*); and

charging circuitry, within the body, for recharging a mobile telephone (*Figures 15, 16 and 17, on top of box 46 a charging circuitry, with the body, for recharging a mobile telephone 54*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork (*US Patent #6,255,800*) in view of Striemer (*US Patent Application Publication #20060022796*).

Regarding claim 4, Bork teaches all the claimed element in claim 2, except for a repository wherein the wireless communication means comprises an RFID detector.

However, in related art, Striemer teaches a repository wherein the wireless communication means comprises an RFID detector (*Figure 3, element 240; Page 4, paragraph 0058*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of a repository wherein the wireless communication means comprises an RFID detector, as taught by Striemer, in the Bork device in order to identify the student to the network server 100 (*Page 3, paragraph 0046*) or to identify the object with RFID tag if the object is in close range.

Regarding claim 8, Bork teaches all the claimed elements in claim 7, except for a repository, further comprising a memory; and a processor for controlling a display of the user interface to display the transferred data.

However, in related art, Striemer teaches a repository, further comprising a memory; and a processor for controlling a display of the user interface to display the transferred data (*Paragraphs 0073 and 0074*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of a repository, further comprising a memory; and a processor for controlling a display of the user interface to display the transferred data, as taught by Striemer, in the Bork device in order to store the transmitted data from the mobile unit, executing the program to control the operation and display the data in the display unit.

Regarding claim 11, Bork teaches a repository (*Figures 15, 16, and 17, element 46*), for a plurality of objects, comprising:

a body (*fig. 16, item 46*) for supporting simultaneously a plurality of objects including a mobile phone (*fig. 16, item 54*) and at least one other object (*Figure 15, mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46. In addition to that, in fig. 16, a body 46 for supporting simultaneously a plurality of objects including a mobile phone 54 and wirelessly supporting at least one other object can be element 50*);

wireless communication means (*Figure 15, element 46 is a cradle which is connected to antenna 42 for wireless communication and Figure 16, item 46 is a cradle with Bluetooth radio*) for communicating with at least one of the plurality of objects (*Figure 15, mobile phone 52*) to transfer data therefrom (*Col 6, line 6-13: Bork teaches FIG. 16 illustrates the system of FIG. 13 further including a mobile device with a Bluetooth radio 54. In this particular embodiment, mobile device 54 is a cellular telephone that includes a transceiver and antenna to communicate with cellular telephone base stations and includes a transceiver and antenna to communicate with low power short distance wireless devices*); and

a user interface (*Figures 16 and 17, between element 54 and element 45 which should be between element 54 and 10 where a user interface such as keypad of PC 10 for entering data or information*) responsive to the wireless communication means (*Figures 16 and 17, element 46*) for providing information to a user (*Figure 16, element 54*) received in the transferred data (*Figure 16, element 54*) received in the transferred

data (*Figure 16, a user interface same as keypads in PC 10 wherein PC 10 is connected to cradle 46 through wire line 12 for providing information to a user same as mobile device 54 which has two antennas, one for communicating with the base station and another for short range wireless Bluetooth communication with PC 10 through cradle 46 wherein cradle 46 has an antenna 42 with Bluetooth radio; Also see Col 3, lines 9-25; Col 5, line 35-col 6, line 13*), except for repository comprising a display for displaying information received from the mobile phone.

However, in related art, Strierner teaches a repository comprising a display for displaying information received from the mobile phone (*Figure 24, element 2450*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of a repository comprising a display for displaying information received from the mobile phone, as taught by Strierner, in the Bork device in order to allow system administrators and users to communicate with other device.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork (*US Patent #6,255,800*) in view of Mortenson et al. (*US Patent Application Publication #20050046567*).

Regarding claim 12, Bork teaches all the claimed elements in claim 1, except for a repository, wherein the wireless communication means identifies an object that has been removed from the repository.

However, in related art, Mortenson teaches a repository, wherein the wireless communication means identifies an object that has been removed from the repository (*Page 8, paragraph 0098*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of a repository, wherein the wireless communication means identifies an object that has been removed from the repository, as taught by Mortenson, in the Bork device in order to monitor the system.

Regarding claim 13, the combination of Bork and Mortenson teach all the claimed elements in claim 12. In addition, Mortenson teaches a repository, further comprising a processor responsive to the communication means for activating an alert in the user interface (*Page 8, paragraph 0098*).

Regarding claim 14, the combination of Bork and Mortenson teach all the claimed elements in claim 13. In addition, Mortenson teaches a repository, wherein the processor is arranged to activate the alert when a first object has been removed from the repository but a second object has not been removed (*Page 8, paragraph 0098*).

Regarding claim 15, the combination of Bork and Mortenson teach all the claimed elements in claim 13. In addition, Mortenson teaches a repository, wherein the processor is arranged to activate the alert in dependence upon data transferred via the communication means to the repository and the removal of a first object from the repository (*Paragraphs 0060 and 0098*).

(11) Response to Argument

1. Appellant's arguments with respect to claims 1-16 have been fully considered but they are not persuasive.

Claims 1, 5, 6, 10

(A) The appellant argued that Bork does not disclose or suggest " a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object (Page 6 of the appellant's argument).

In response to the argument (A), the examiner respectfully disagrees with the appellant's argument. In figures 15 and 17, a body or cradle 46 for supporting a mobile phones 52 and 54 and beside that mobile phone 52 and 54, a plenty of space to put some coins or car keys for supporting them. In addition to that, in fig. 16, a body or cradle 46 for supporting simultaneously a plurality of objects including a mobile phone 54 and wirelessly supporting at least one other object 50.

(B) The Appellant argued that the wireless transceiver 44 is not used for communicating with the mobile phone 52 in the cradle 46. The appellant further argued that in Bork, the only disclosed data transfer between the cradle 46 and the mobile phone 52 occurs via data connector 38 in the cradle 46. Clearly, this data transfer is not wireless (Page 6 of the appellant's argument).

In response to the argument (B), the examiner respectfully disagrees with the appellant's argument. In Figure 16, a mobile device 54 which has two antennas, one for communicating with the base station and another for short range wireless Bluetooth communication with PC 10 through cradle 46 wherein cradle 46 has an antenna 42 with Bluetooth radio for wirelessly communicating with the mobile device 54 or other Bluetooth radio device 50. Also, the reason for having Bluetooth radio on the device is to transfer data from one Bluetooth device to another Bluetooth device in a short range i.e. less than a 100-meter. See Col 3, lines 9-25; Col 5, line 35-col 6, line 13).

(C) The Appellant argued the Examiner asserted that Bork discloses "a user interface (Figure 16, between element 54 to element 45)". The Appellant can find no reference to element 45 in the description or drawings of Bork (Page 7 of the appellant's argument).

In response to the argument (C), the Examiner respectfully agrees with the Appellant and realizes that a typo graphical error was made on the above statement where "a user interface (Figure 16, between element 54 to element 45)", which should be between element 54 and 10 where a user interface such as keypad in PC 10 for entering data or information; therefore, the examiner has replaced item 45 with item 10 set forth in section **(10)** to accurately reflect the rejection of claim 1.

(D) The Appellant argued that there is no disclosure in Bork of "a repository comprising..... a user interface." Furthermore, as there is no data transferred from the mobile phone 52 to the cradle 46 in Bork, there can be no disclosure of "a repository

comprising a user interface responsive to the wireless communication means for providing information to a user received in transferred data (Page 7 of the appellant's argument).

In response to the argument (D), the examiner respectfully disagrees with the appellant's argument. Figure 16, a user interface same as keypads in PC 10 wherein PC 10 is connected to cradle 46 through wire line 12 for providing data/information to a user (mobile device 54) which has two antennas, one for communicating with the base station and another for short range wireless Bluetooth communication with PC 10 through cradle 46 wherein cradle 46 has an antenna 42 with Bluetooth radio for wirelessly communicating with the mobile device 54 or other Bluetooth radio device 50. Also, the reason for having Bluetooth radio on the device is to transfer data from one Bluetooth device to another Bluetooth device in a short range i.e. less than a 100 meter; Also see Col 3, lines 9-25; Col 5, line 35-col 6, line 13.

For claims 5,6 and 10, see claims rejection in section **(10)**.

Claims 2,3, and 7

(E) The Appellant argued that Bork does not teach "wherein the wireless communication means is arranged to detect proximal objects by communication therewith. The appellant further argued although the examiner asserted that, in Bork, the RF transceiver 44 of the cradle 46 can "sense" when the mobile phone 52 is nearby by

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communicating with the mobile phone 52. There is no disclosure or suggestion by Bork of any such feature (Page 8 of the appellant's argument).

In response to the argument (E), the examiner respectfully disagrees with the appellant's argument. Bork teaches a repository (*Figures 15, 16, and 17, element 46*), wherein the wireless communication means (Figure 15, element 44 and figures 16, and 17, element 46) is arranged to detect (sense) proximal objects by communication therewith (See Figures 16 and 17, Since the cradle 46 has a Bluetooth radio on it, any object with a Bluetooth radio such as mobile device 54 will detect each other if it's in close range, i.e. less than 100 m; Also see Col 5, line 35- Col 6, line 13).

For claims 3 and 7, see claims rejection in section **(10)**.

Claim 9

(F) The Appellant argued that Bork does not teach a repository in the form of a shelf. The appellant provided a definition of the word "shelf" from the American Heritage Dictionary of the English Language (Fourth Edition) defines a "shelf" as "A flat, usually rectangular structure composed used to hold or store objects. The Merriam-Webster Online Dictionary (accessed March 22, 2007) defines a "shelf" as "a thin flat usually long and narrow from the floor to hold objects (Pages 9-10 of the appellant's argument).

In response to the argument (F), the examiner respectfully disagrees with the appellant's argument because beside the American Heritage Dictionary and the Merriam-Webster online Dictionary, definitions of shelf on the Web (Google), the keyword **define: shelf** is a support that consists of a horizontal surface for holding objects. Figure 15, repository 46 is a form of shelf which can attached to the wall. In addition on that, Figure 17, repository 46 is a form of shelf where mobile device 54 and antenna 42 can be supported on the top, or a support such as repository 46 that consists of a horizontal surface for holding objects such as mobile device 54.

Claim 16

(G) The appellant argued that Bork does not disclose or suggest " a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object (Pages 10-11 of the appellant's argument).

In response to the argument (G), the examiner respectfully disagrees with the appellant's argument. In figures 15 and 17, a body or cradle 46 for supporting a mobile phones 52 and 54 and beside that mobile phone 52 and 54, a plenty of space to put some coins or car keys for supporting them. In addition to that, in fig. 16, a body or cradle 46 for supporting simultaneously a plurality of objects including a mobile phone 54 and wirelessly supporting at least one other object 50.

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Claim 4

(H) The appellant argued there is no motivation to combine the teachings of striemer with the disclosure of Bork, although both disclosures deal at least in part, with short-range wireless communication, the purpose behind the use of communication are very different (Pages 12-13 of the appellant's argument).

In response to the argument (H), the examiner respectfully disagrees with the appellant's argument because it obvious to substitute the short range transceiver 44 in figure 17 to RFID detector to detect an object with a RFID tag when the object is in close range of cradle 46.

Claim 8

(I) The appellant argued there is no motivation to combine the teachings of striemer with the disclosure of Bork, although both disclosures deal at least in part, with short-range wireless communication, the purpose behind the use of communication are very different (Pages 13-16 of the appellant's argument).

In response to the argument (I), the examiner respectfully disagrees with the appellant's argument. In figure 11, a pager module 242 which includes processor 1120, memory 1130, and display unit 1140 and can be added to the cradle 46 to store the transmitted data from the mobile unit, executing the program to control the operation and display the data in the display unit. In addition to that, in Bork, Figure 16, a user

interface same as keypads in PC 10 wherein PC 10 is connected to cradle 46 through wire line 12 for providing data/information to a user (mobile device 54), so PC 10 inherently has a memory and a processor for controlling a display of the user interface to display the transferred data.

For claim 11, See respond to the argument **(A) and (I)** which is drawn to the same claimed subject matters as in claim 1.

Claims 12-14

(J) The appellant argued Mortenson et al. does not disclose or suggest “ a repository comprising Wireless communication means identifies an object that has been removed from the repository (Pages 25-26 of the appellant's argument).

In response to the argument (J), the examiner respectfully disagrees with the appellant's argument. In paragraph 0098, Mortenson teaches one of the sensor units may also be a Radio Frequency Identification (RFID) reader or an RFID reader gateway. The RFID reader may sense RFID tags on cargo that is loaded or unloaded (removed) from each container independent of whether the container is sealed or unsealed. RFID tags may be placed on individual items, pallets, etc. In this way, cargo shipments can be monitored to determine what cargo has been placed in or removed from a container.

For claims 13 and 14, See claim rejection in section (10).

Claim 15

(K) The appellant argued Mortenson et al. does not disclose or suggest "Mortenson does not teach a repository, wherein the processor is arranged to activate the alert in dependence upon data transferred via the communication means to the repository and the removal of a first object from the repository (Pages 26-27 of the appellant's argument).

In response to the argument (K), the examiner respectfully disagrees with the appellant's argument. Mortenson teaches one of the sensor units may also be a Radio Frequency Identification (RFID) reader or an RFID reader gateway. The RFID reader may sense RFID tags on cargo that is loaded or unloaded (removed) from each container independent of whether the container is sealed or unsealed. RFID tags may be placed on individual items, pallets, etc. In this way, cargo shipments can be monitored to determine what cargo has been placed in or removed from a container. Furthermore, one or more of the sensor units 208 may be equipped for wireless communication inside the container via Bluetooth, infrared, or other wireless communication technologies. In this way, a sensor unit 208 may be mounted on a wall or ceiling inside a container remote from the container security device 12 and the sensor receptacle 220. The remote sensor unit 208 may then transmit data to a sensor unit 208 within the sensor receptacle 220. The information, such as any resulting alarms and/or the sensed data itself, may then be forwarded to the container security device 12

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and/or a reader. For example, a sensor unit 208 may detect a characteristic (e.g., light, gas, radioactivity, etc.) outside of a predetermined threshold. The sensor unit 208 may then send a warning or alarm that is transmitted outside the container by the container security device 12.

(12) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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